

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING NATIONAL PHASE OF PCT APPLICATION UNDER 35 U.S.C. 371

10/568676

APR 20 2006 PCT/US/70 17 FEB 2006

To: Mail Stop PCT
Hon. Commissioner of Patents
P.O. Box 1450, Alexandria, VA 22313-1450

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. § 371				Atty. Dkt.: 2625-0002		
From: Davidson Berquist Jackson & Gowdey, LLP:				Date: February 17, 2006		
This is a REQUEST for FILING a PCT/USA National Phase Application based on:						
International Application		International Filing Date			Earliest Priority Date Claimed	
PCT/US04/026957		19	August	2004	20	August 2003
		DAY	MONTH	YEAR	DAY	MONTH YEAR
Title of Invention:		PREVENTING THE CRYSTALLIZATION OF CHOLESTEROL USING OXYSTEROLS				
Applicants for DO/EO/US [Inventor(s)]:		KRUT, Louis H.				

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371
3. ☐ Please immediately start National Examination procedures (35 U.S.C. 371(f)) [**must** include items 4, 5, 8, 24]
4. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☒ is transmitted herewith (only if not transmitted to PTO by the International Bureau) including:
 - (1) ☒ Request (3) 7 pages of Specification and Claims.
 - (2) ☒ Abstract (4) 0 sheet(s) of Drawings.
 - b. ☐ has been communicated by the International Bureau
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
5. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith including:
 - (1) ☐ Request (3) _____ pages of Specification and Claims.
 - (2) ☐ Abstract (4) _____ sheet(s) of Drawings.
 - (5) ☐ Translation verification attached (not required now).
 - b. ☒ is not required, as the application was filed in English.
 - c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice.
 - d. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).

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6. ☒ **Amendments to the claims of the International Application under PCT Article 19**
- a. ☐ are transmitted herewith (required only if not communicated by the International Bureau)
- b. ☐ have been communicated by the International Bureau
- c. ☐ have not been made; however, the time limit for making such amendments has not expired.
- d. ☒ have not been made and will not be made.
7. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3))
8. ☐ **An Oath or Declaration of the Inventor(s)** (35 U.S.C. 371 (c)(4))
9. **An International Search Report (ISR):**
- a. Was prepared by ☐ EPO ☐ JPO ☒ **USPTO** ☐ Other
- b. ☒ has been communicated by the International Bureau to the USPTO.
- c. ☒ copy herewith (2 sheet(s)) ☐ plus Annex of family members (page(s)).
10. **An International Preliminary Examination Report (IPER)**
- a. ☐ has been transmitted in English by the International Bureau with Annexes (if any) in original language.
- b. ☐ copy herewith in English
11. ☐ English language translation of Annex(es) to IPER
12. **Information Disclosure Statement** including:
- a. ☐ Attached Form(s) PTO-1449 listing documents.
- b. ☐ Attached copies of documents listed on Form PTO-1449
- c. ☐ A concise explanation of relevance of ISR references is given in the ISR.
13. ☐ **Assignment** document and Recordation Cover Sheet for recording. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
14. ☒ **An Application Data Sheet under 37 CFR 1.76**
15. **Small Entity Status** ☐ is NOT claimed ☒ is claimed
16. ☐ A Preliminary Amendment
17. ☐ A Substitute Specification
18. ☐ A Power of Attorney and/or change of address letter
19. ☐ A second copy of the published International Application under 35 USC 154(d)(4)
20. ☐ A second copy of the English language translation of the international application under 35 USC 154(d)(4)

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21. ☒ Other items or information:

Written Opinion (PCT/ISA/237) [4 sheets]

Copy of published international application WO 2005/018647

Postcard Receipt

22. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the International Stage based on the filing in (country) US of:

	Application No.	Filing Date (mm/dd/yyyy)		Application No.	Filing Date (mm/dd/yyyy)
(1)	60/496,641	08/20/2003	(2)		
(3)			(4)		

a. ☒ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.b. ☒ Copy of Form PCT/IB/304 attached.23. ☒ **PLEASE AMEND** the specification before its first line by inserting as a separate paragraph:a ☒ This application is the National Phase of International Application PCT/US2004/026957 filed 19 August, 2004 which designated the U.S. and that International Application was published under PCT Article 21 (2) in English as WO 2005/018647. The contents of this international application PCT/US2004/026957 are fully incorporated herein by reference.b ☒ This application also claims benefit of U.S. Provisional Application No. 60/496,641, filed Aug. 20, 2003, the entire contents of which are fully incorporated herein by reference.

Fee calculation on next page

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The following fees have been submitted (if two amounts, lesser is for small entity [see box 19])						
24.	<input checked="" type="checkbox"/> Basic National fee				\$300/\$150	\$150
25.	<input type="checkbox"/> Examination fee --If written opinion prepared by ISA/US or IPER prepared by IPEA/US indicates that all claims satisfy PCT Art. 33(1)-(4) then \$0, otherwise				\$200/\$100	\$0
26.	<input type="checkbox"/> Search Fee					
	<input type="checkbox"/> If written opinion prepared by ISA/US or IPER prepared by IPEA/US indicates that all claims satisfy PCT Art. 33(1)-(4) then			\$0		
	<input checked="" type="checkbox"/> Search fee has been paid in the international application to the USPTO as an international Searching Authority			\$100/\$50		\$0
	<input type="checkbox"/> International Search Report prepared by an ISA other than US and provided to the PTO herewith or previously communicated to the US by the IB			\$400/\$200		
	<input type="checkbox"/> All other situations			\$500/\$250		
27.	<input type="checkbox"/> If <u>any proper</u> multiple dependent claim (ignore improper) is present, add:				\$360 / \$180	\$0
28.	Total Claims	10	Minus 20 =	0	X \$50 / \$25	\$0
29.	Indep. Claims	2	Minus 3 =	0	X \$200 / \$100	\$0
30.	<input type="checkbox"/> Application Size Fee (If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).)					
	Total Sheets	Minus 100 sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		
31.	12	- 100 sheets	0	0	x \$250 / \$150	\$0
32.	Total Filing Fee Enclosed					\$150
33.	Processing fee of \$130 for furnishing English translation later than 30 months from earliest priority date					\$0
34.	If "assignment" box 13 is X'd, add recording fees (\$40 per assignment)					\$0
35.	<input type="checkbox"/> Attached is a Petition/Fee under Rule No.					\$0
36.	TOTAL FEES					\$150

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37. ☐ Attached is a check to cover the total fees listed at line 36.

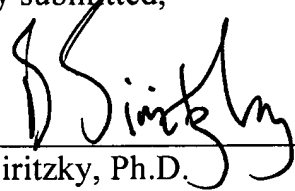
38. ☒ Please charge the total fee (listed at line 36) to our deposit account below under the stated order no.: 2625-0002

Our Deposit Account No.: 501860.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This Charge Statement does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

39. **Correspondence Address:** Send all correspondence to the address associated with customer number 42624.

<p>CUSTOMER NUMBER</p> <p>42624</p>	<p>Respectfully submitted,</p> <p style="text-align: center;">  </p> <p>By: _____</p> <p>Brian Siritzky, Ph.D.</p> <p>Registration No.: 37,497</p>
<p>Davidson Berquist Jackson & Gowdey LLP</p> <p>4300 Wilson Blvd., 7th Floor, Arlington, Virginia 22203</p> <p>Main: (703) 894-6400 • FAX: (703) 894-6430</p>	